

# ALIENS ACT

Passed 8 July 1993

(RT<sup>1</sup> I 1999, 44, 637; consolidated text RT I 1997, 50, 548),

Entered into force 12 July 1993,

Amended by the following Acts:

18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20;  
16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521;  
19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;  
12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351;  
06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352;  
17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68;  
17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254;  
11.04.2000 entered into force 04.05.2000 - RT I 2000, 33, 197;  
21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148;  
15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900;  
17.11.99 entered into force 10.12.99 - RT I 1999, 88, 808;  
21.09.99 entered into force 01.10.99 - RT I 1999, 71, 686;  
16.06.99 entered into force 23.06.99 - RT I 1999, 54, 582.

Based on the rights and freedoms arising from the Constitution of the Republic of Estonia,

Considering that generally recognised principles and rules of international law are an inseparable part of the Estonian legal system,

Based on the need to guarantee aliens residing in Estonia with an internationally recognised status and to determine the duties of aliens,

Desiring to create a sense of security by law for aliens residing both temporarily and permanently in Estonia, this Act is passed.

## Chapter I General Provisions

### § 1. Scope of application

This Act regulates the entry of aliens into Estonia, their stay, residence and employment in Estonia and the bases for legal liability of aliens.

(3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### § 2. Authorised agencies

(1) Acts arising from this Act shall be performed by government agencies designated by the Government of the Republic.

(2) (Repealed - 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### § 3. Alien

(1) For the purposes of this Act, an alien is a person who is not an Estonian citizen.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(2) The procedure for the stay of refugees in Estonia shall be provided by a separate Act.

(18.02.97 entered into force 09.07.97 - RT I 1997, 19, 306)

#### **§ 4. Permanent resident**

(1) A permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who holds a permanent residence permit.

(2) The definition of a permanent resident for the purposes of this Act does not extend to legislation which was adopted before the entry into force of this Act.

#### **§ 4<sup>1</sup>. Minor child**

For the purposes of this Act, a minor child is a person under 18 years of age. A person who is married, has a separate family or leads an independent life is not deemed to be a minor child.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

#### **§ 4<sup>2</sup>. Permanent residence in Estonia**

Permanent residence in Estonia is deemed to mean that an Estonian citizen or an alien who holds a residence permit in Estonia stays in Estonia for at least 183 days a year.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

#### **§ 4<sup>3</sup>. Legal income**

Lawfully earned remuneration for work, income received from lawful business activities or property, pensions, scholarships, support, benefits paid by a foreign state and the maintenance ensured by family members earning legal income are deemed to be legal income.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

#### **§ 5. Rights and duties of aliens**

(1) Aliens staying in Estonia are guaranteed rights and freedoms equal to those of Estonian citizens unless the Constitution, this Act, other Acts or international agreements of Estonia provide otherwise.

(2) Aliens are guaranteed the rights and freedoms arising from the generally recognised rules of international law and international custom.

(3) Aliens staying in Estonia are required to observe the constitutional order and legislation of Estonia.

## **Chapter II Immigration Quota**

#### **§ 6. Immigration quota**

(1) The annual immigration quota is the quota for aliens immigrating to Estonia which shall not exceed 0.05 per cent of the permanent population of Estonia annually. The immigration quota shall be established by the Government of the Republic. Within the limits of the immigration quota, the Minister of Internal Affairs may, by a ruling, establish a distribution of the immigration quota according to the grounds for application for the residence permit and the basis for issuing the residence permit, and the annual schedule. Persons who have the right to settle in Estonia outside of the immigration quota or to whom the immigration quota does not apply are not included in calculating fulfilment of the immigration quota.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) Every Estonian has the right to settle in Estonia outside of the immigration quota.

(2<sup>1</sup>) The immigration quota does not apply to the following:

1) the spouse of an Estonian citizen or of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued on the basis of subsection 12 (2);

2) a minor child, adult child, parent, grandparent or ward of an Estonian citizen or of an alien who resides in Estonia on the basis of a residence permit to whom a residence permit is issued on the basis of clause 12 (1) 3).

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(3) The immigration quota does not apply to citizens of the European Union, the United States of America, Norway, Iceland, Switzerland and Japan.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(4) The Minister of Internal Affairs may, on a reasoned proposal of the Minister of Economic Affairs, Minister of Finance, Minister of Culture or Minister of Education and Research, exempt specific persons from the immigration quota if their arrival in Estonia is necessary in the national interests for economic, educational, scientific or cultural development.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 16.10.2002 entered into force 01.01.2003 - RT I 2002, 90, 521)

### **Chapter III Passport Requirements**

#### **§ 7. Identification of aliens**

All aliens entering and staying in Estonia must hold a valid passport or equivalent document. The valid passport or equivalent document of an alien must certify his or her right to stay in Estonia.

#### **§ 8. Alien's passport**

(1) An alien's passport may be issued to an alien who does not have a passport or equivalent document.

(2) An alien's passport may be issued to an alien staying in Estonia with regard to whom a decision to issue a residence permit has been made. The validity of an alien's passport shall not exceed the validity of a residence permit. An alien's passport is valid for a term of up to five years.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) An alien's passport and residence permit shall be applied for concurrently.

(4) Aliens who are unable to obtain a passport or equivalent document of their country of origin or of any other state have the right to obtain an alien's passport. The format, and the conditions and procedure for issue of alien's passports shall be established by the Government of the Republic.

### **Chapter IV Visas, Residence Permits and Work Permits**

#### **§ 9. General Principles**

(1) A legal basis must exist for an alien to enter Estonia or stay in Estonia. An alien shall hold a work permit to work in Estonia. Unless otherwise provided by this Act, the legal bases for an alien to stay in Estonia are:

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

1) a residence permit;

2) a visa, within the term for stay in Estonia prescribed thereby;

3) the right to stay in Estonia arising from an international agreement;

4) the right to stay in Estonia arising from a resolution of the Government of the Republic to forego the visa requirement;

5) the right or obligation to stay in Estonia directly arising from law, a court decision or administrative act.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1<sup>1</sup>) An alien who during the period of validity of his or her residence permit applies for an extension of the residence permit or for a permanent residence permit pursuant to the procedure established by the Government of the Republic is deemed to be staying in Estonia legally until a decision concerning his or her application is made.

(21.03.2000 entered into force 29.03.2000 - RT I 2000, 25, 148)

(1<sup>2</sup>) In the cases established by the Government of the Republic, an alien shall be in possession of a visa in order to enter and stay in a transit zone at an Estonian airport.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(1<sup>3</sup>) An alien who is a citizen of a foreign state with whom Estonia has entered into an agreement for visa-free travel or whose citizens are unilaterally relieved of the visa requirement in Estonia may stay in Estonia for up to a total of ninety calendar days during six months, unless otherwise provided by an international agreement.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) Aliens shall apply for a visa or temporary residence permit at the representations of the Republic of Estonia unless otherwise provided by this Act.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(2<sup>1</sup>) As an exception, a visa may be issued at a border checkpoint in the following cases:

1) on the basis of a decision of an official authorised by the Minister of Foreign Affairs, to aliens belonging to a foreign official delegation or to a delegation having equal status therewith according to the diplomatic practice, and to aliens accompanying such delegations;

2) on the basis of a decision of an official authorised by the Minister of Internal Affairs, to aliens who are allowed to enter Estonia on the basis of an international agreement;

3) on the basis of a decision of an official authorised by the Minister of Internal Affairs, to Estonians arriving at a border checkpoint open to international travel;

4) on the basis of a decision of the Minister of Internal Affairs, to aliens who arrive in Estonia at the invitation of a member of the Government of the Republic;

5) on the basis of a decision of the Minister of Internal Affairs, to aliens whose arrival in Estonia is necessary due to urgent and unforeseeable circumstances.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(2<sup>2</sup>) A visa issued as an exception at a border checkpoint gives the right for a single entry in Estonia and the validity of such visa shall not exceed fifteen days.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(2<sup>3</sup>) The Government of the Republic shall, by a ruling, establish the procedure for issuing visas as an exception at a border checkpoint.

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900)

(3) The following may apply for a temporary residence permit at the Citizenship and Migration Board:

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

1) Estonians and their spouses and minor children;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

2) the spouses and minor children of Estonian citizens;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

3) children under one year of age descending from aliens who reside in Estonia on the basis of a residence permit;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

4) aliens who arrive in Estonia at the invitation of a government agency to implement a co-operation or aid programme;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

5) aliens who stay in Estonia on the basis of a temporary residence permit and apply for a new temporary residence permit;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

6) aliens to whom the Citizenship and Migration Board has granted such permission as an exception on the condition that they are unable to apply for a residence permit at a representation of the Republic of Estonia for good reason;

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395; 17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

7) aliens specified in subsections 6 (3) and (4) of this Act and their spouses and minor children;

(15.12.99 entered into force 31.12.99 - RT I 1999, 101, 900; 17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

8) aliens who settled in Estonia before 1 July 1990 and have not thereafter left Estonia to reside in another country.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(3<sup>1</sup>) An alien who has a residence permit for study and who is applying for a residence permit for taking employment does not have the right specified in clause (3) 5) of this section.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) (Repealed - 17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(5) A complaint may be filed against a decision on the issue, refusal to issue, the extension or refusal to extend or revocation of a residence permit or work permit with an administrative court or such decision may be challenged within ten days after the date of notification of the decision.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(6) An alien of at least 15 years of age may perform the acts arising from this Act independently. A minor who resides in a foreign state may file an application for a temporary residence permit and work permit personally with the notarised consent of a parent.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

## **§ 10. Visa**

(1) A visa is a permit granted to an alien to enter Estonia through a border checkpoint open for international travel and to stay in Estonia for the period of time indicated on the visa, unless otherwise provided for in this Act.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(1<sup>1</sup>) A visa may be issued to an alien for entry into a transit zone at an Estonian airport and for stay therein and departure therefrom under the conditions indicated in the visa. The specified visa does not grant the alien the right to enter Estonia or stay in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(1<sup>2</sup>) In order to apply for extension of the period of stay and for the formalisation of the period of stay, the applicant or his or her representative shall address the Citizenship and Migration Board in person.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) The Government of the Republic shall establish visa rules, which regulate the application for, issue, extension and revocation of visas, determine the categories of visas and the competence of agencies which ensure compliance with the rules, and shall enter into visa-free travel agreements with foreign states.

(01.07.97 entered into force 21.07.97 - RT I 1997, 53, 837; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(3) The Minister of Foreign Affairs and Minister of Internal Affairs have the right to issue regulations for the implementation of visa rules to the extent established by the Government of the Republic.

(01.07.97 entered into force 21.07.97 - RT I 1997, 53, 837)

(4) The Government of the Republic shall establish a list of states whose citizens are unilaterally relieved of the visa requirement in Estonia.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(5) A state visa register shall be maintained concerning visa invitations, visa applications, applications for extension of visas, and decisions made with regard thereto, cancelled and amended visas and border crossings of aliens who hold visas.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(6) The Administrative Procedure Act does not apply to visa procedure.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 11. Residence permits**

(1) Residence permits are:

1) temporary, which are issued for a term of up to five years;

2) permanent.

(2) A temporary residence permit shall be extended on the basis of an application of an alien if the basis for the issue of the residence permit has not ceased to exist, and there is no basis to refuse to extend the residence permit and if the extension of the residence permit is justified.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

(3) The validity of a temporary residence permit issued to an alien who has stayed in Estonia permanently for a period of at least ten years on the basis of temporary residence permit is five years, and such permit is extended on application of the alien for further periods of five years, except where the alien applies for a temporary residence permit or extension thereof for a shorter period.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) In order to submit an application for a temporary residence permit and for entry of information concerning a permanent residence permit in a travel document, an alien shall address a competent agency in person.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 12. Bases for issue of residence permits**

(1) A temporary residence permit may be issued to aliens:

1) for employment;

1<sup>1</sup>) for enterprise;

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

2) for study in an educational institution according to the application of the educational institution;

3) in order to settle with a close relative permanently resident in Estonia;

4) whose permanent legal income ensures their subsistence in Estonia;

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

5) whose application for a residence permit is based on an international agreement.

(2) A temporary residence permit may be issued to an alien who is married to a person permanently resident in Estonia.

(3) A permanent residence permit may be issued to an alien who has resided in Estonia on the basis of a temporary residence permit for at least three years within the last five years and who has a valid residence permit, a residence in Estonia and permanent legal income for subsistence in Estonia, unless otherwise provided by this Act. A permanent residence permit shall not be

issued to an alien who has received a residence permit in Estonia pursuant to clauses (1) 1) or 2) of this section.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

(3<sup>1</sup>) A permanent residence permit may be issued to a minor child of an Estonian citizen residing in Estonia or an alien residing in Estonia on the basis of a permanent residence permit unless the child resides in a foreign state and wishes to settle in Estonia.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(3<sup>2</sup>) As an additional condition for extension of residence permits and issue of permanent residence permits, the aliens are required to enter their residence in Estonia in the population register.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) A residence permit shall not be issued to or extended for an alien if:

1) he or she has submitted false information (including information concerning his or her earlier activities) upon application for a visa, residence permit or work permit or upon application for extension thereof;

2) he or she does not observe the constitutional order and laws of Estonia;

3) his or her activities have been or are or there is good reason to believe that such activities have been or are directed against the Estonian state and its security;

4) he or she has incited or incites, or there is good reason to believe that he or she has incited or incites racial, religious or political hatred or violence;

5) he or she has committed a criminal offence for which he or she has been sentenced to imprisonment for a term of more than one year and his or her criminal record has neither expired nor been expunged, or the information concerning the punishment has not been expunged from the punishment register;

6) he or she is in the active service of the armed forces of a foreign state;

7) he or she has served as a professional member of the armed forces of a foreign state or has been assigned to the reserve forces thereof or has retired therefrom;

8) he or she has been repeatedly punished pursuant to criminal procedure for an intentionally committed criminal offence;

9) there is information or good reason to believe that he or she belongs to a criminal organisation, that he or she is connected with the illegal conveyance of narcotics, psychotropic substances or persons across the border, that he or she is a member of a terrorist organisation or has committed an act of terrorism, or that he or she is involved in money laundering;

10) he or she is or there is good reason to believe that he or she is employed by an intelligence or security service of a foreign state, or he or she has or there is good reason to believe that he or she has been employed by an intelligence or security service of a foreign state, and his or her age, rank or other circumstances do not preclude his or her conscription into service in the security forces or armed forces or other armed units of his or her country of nationality;

11) he or she has received or there is good reason to believe that he or she has received special training in landing operations, or in diversion or sabotage activities, or other special training, and if the knowledge and skills acquired in the process of such training can be directly applied in the formation or training of illegal armed units;

12) he or she has or there is good reason to believe that he or she has participated in punitive operations against civil population;

13) there is good reason to believe that he or she has committed a crime against humanity or a war crime;

14) he or she is the spouse or a minor child of a person specified in clauses 6), 7), 10), 11) or 12) of this subsection;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

15) prohibition on entry applies to him or her.

(5) As an exception, temporary residence permits may be issued to aliens listed in clauses (4) 5)–8) and 14) of this section and such residence permits may be extended if the circumstances specified in clauses (4) 1)–4), 9)–13) or 15) of this section have not been ascertained with regard to such aliens.

(6) The circumstances listed in clauses (4) 1)–4), 6) and 8)–13) of this section shall be considered as a threat to the security of the Estonian state.

(21.09.99 entered into force 01.10.99 - RT I 1999, 71, 686)

(7) Clauses (4) 6), 7) and 10) of this section do not extend to citizens of the member states of the European Union or NATO and clause (4) 14) of this section does not extend to the spouses or minor children of such citizens.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(8) Issue of a residence permit shall be refused if the immigration quota has been fulfilled by the time a decision in respect of the application is made.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(9) Issue and extension of a residence permit shall be refused if:

- 1) the basis for issue or extension of the residence permit has ceased to exist;
- 2) the alien does not comply with the requirements established by this Act for the issue or extension of residence permits;
- 3) the application for the issue or extension of a residence permit is not justified;
- 4) a person has committed to leaving the Republic of Estonia, has received a residential space abroad within the framework of an international aid programme or has received support for leaving Estonia.

(06.06.2001 entered into force 12.07.2001 - RT I 2001, 58, 352)

## **§ 12<sup>1</sup>. Issue of residence permit to settle with spouse**

(1) A temporary residence permit may be issued to an alien to settle with his or her spouse who resides in Estonia permanently and who is an Estonian citizen or to settle with his or her spouse who is an alien who has resided in Estonia for at least five years on the basis of a permanent residence permit if the spouses share close economic ties and a psychological relationship, if the family is stable and the marriage is not fictitious, and if the application for a residence permit is justified.

(2) If an alien applies to settle with his or her spouse who resides in Estonia, his or her spouse must have permanent legal income to ensure that the family is maintained in Estonia or the joint permanent legal income of the spouses must ensure that the family is maintained in Estonia, the family must have a registered residence and an actual dwelling in Estonia, and the alien must have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(3) The validity of a temporary residence permit issued to an alien who has been married for less than three years to a person who legally resides in Estonia shall not exceed one year, and the residence permit may be extended in each of the following three years for not longer than one year at a time. The validity of a residence permit issued to an alien who has been married for at least three years to a person who legally resides in Estonia shall not exceed three years, and the residence permit shall be extended for not longer than three years at a time.

(4) The issue of a residence permit to settle with a spouse who legally resides in Estonia shall be refused if the spouse who resides in Estonia or the alien who applies for the residence permit does not meet the conditions provided by law, if any other condition for the issue of a residence permit is not complied with or if the application for the residence permit is not justified.

(5) An application for a residence permit to settle with a spouse who is an Estonian citizen may be considered to be unjustified if it is possible for the spouse who resides in Estonia to settle in



the country of nationality or country of habitual residence of his or her spouse or if it is possible for the spouses to settle in another country.

(6) A residence permit issued to settle with a spouse may be extended if the marriage and the income of the family comply with the requirements specified in subsections (1) and (2) and there are no grounds for refusal to extend the residence permit.

(7) An application for a residence permit to settle with a spouse who resides in Estonia and who is an alien shall be considered to be unjustified if the alien who applies for the residence permit and the spouse for the purposes of settling with whom the residence permit is applied for do not prove that it is not possible for them to settle in the country of their common nationality or in the country of nationality or country of habitual residence of the alien who applies for the residence permit.

(8) A residence permit to settle with a spouse shall be revoked or the extension thereof shall be refused if:

- 1) the basis or grounds for the issue of the residence permit have ceased to exist;
- 2) the marriage has been terminated;
- 3) one or both spouses do not reside in Estonia permanently;
- 4) at least of the conditions specified in subsection (2) is not complied with.

(9) A residence permit issued to settle with a spouse may be revoked on the basis specified in subsection (8) within four years after the issue of the residence permit.

(10) An alien who has been issued a residence permit to settle with his or her spouse may be issued a permanent residence permit on the conditions specified in subsection 12 (3) provided that the marriage has lasted for at least five years.

(11) A temporary residence permit issued to settle with a spouse shall be revoked concurrently with the revocation of the residence permit of the spouse for the purposes of settling with whom the residence permit was issued.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

## **§ 12<sup>2</sup>. Issue of residence permits for study**

(1) A residence permit for study may be issued to an alien for study in a primary school, basic school, upper secondary school, vocational educational institution, university or institution of applied higher education, for participation in pre-degree foundation courses offered by such institutions, for research or exploratory research at a university or institution of applied higher education or for participation in field training intermediated by an international students' organisation (hereinafter study).

(2) Upon application for a residence permit for study, the relevant educational institution or international students' organisation shall provide the Citizenship and Migration Board with documentary evidence in proof of the alien commencing his or her studies indicating the title and estimated period of the study, course, research, exploratory research or field training.

(3) An alien may be issued a residence permit for study for up to one year but not for a longer time than the estimated period of his or her study.

(4) Aliens who are issued residence permits for study are exempt from the immigration quota.

(5) An alien may be issued a residence permit for study if the alien has permanent legal income for subsistence in Estonia, dwelling in Estonia and an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(6) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(7) The Citizenship and Migration Board may refuse issue of a residence permit if the conditions provided in subsections (1), (2) and (5) of this section are not fulfilled or other circumstances exist which are the bases for refusal to issue a residence permit.

(8) A residence permit for study may be extended for a period of up to one year if the alien continues his or her studies, the conditions specified in subsections (1), (2), (5) and (6) of this section are continually fulfilled, he or she has actual residence in Estonia and no circumstances exist which are the bases for refusal to issue a residence permit. The validity of a residence permit for study shall not exceed a total of six years.

(9) Extension of a residence permit issued for study is refused or the residence permit is revoked if the basis for issue of the residence permit has ceased to exist, the alien does not fulfil the conditions specified in subsections (1), (2), (5) and (6) of this section, other bases to refuse extension of a residence permit or revoke a residence permit exist in respect of him or her, or the alien has failed to perform an obligation arising from this Act or other legislation.

(10) An alien who has been issued a residence permit for study may take employment in Estonia without a work permit in order to participate in practical training pursuant to the curriculum or to participate in the field training specified in subsection (1) of this section.

(11) In cases not provided in subsection (10) of this section, an alien who has been issued a residence permit for study may take employment in Estonia only on the basis of a work permit and only outside of school hours on condition that such employment does not interfere with the alien's studies.

(12) If an alien has stayed in Estonia on the basis of a residence permit for study and he or she is later issued a residence permit on different grounds, then the alien's period of residence in Estonia on the basis of the residence permit for study shall not be included in the requisite period of residence in Estonia necessary for application for a permanent residence permit.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 12<sup>3</sup>. Issue of residence permits to settle with close relative residing in Estonia**

(1) A temporary residence permit may be issued to the following aliens to settle with a close relative who is an Estonian citizen or to settle with a close relative who is an alien who has resided in Estonia for at least five years on the basis of a permanent residence permit:

1) to a minor child in order to settle with a parent who permanently resides in Estonia;

2) to an adult child in order to settle with a parent who permanently resides in Estonia if the child is unable to cope independently due to health reasons or a disability;

3) to a parent or grandparent in order to settle with his or her adult child or grandchild who permanently resides in Estonia if the parent or grandparent needs care which it is not possible for him or her to receive in the country of his or her location or in another country and if his or her permanent legal income or the permanent legal income of his or her child or grandchild who legally resides in Estonia ensures that the parent or grandparent will be maintained in Estonia;

4) to a person under guardianship in order to settle with the guardian who permanently resides in Estonia if the permanent legal income of the guardian ensures that the person will be maintained in Estonia.

(2) Upon the issue of a residence permit in the case specified in clause (1) 1), the rights and interests of the minor child shall be taken into consideration above all. A residence permit shall not be issued if the settling of the child in Estonia would damage his or her rights and interests and if his or her legal, financial or social status may deteriorate as a result of settling in Estonia.

(3) A close relative for the purposes of settling with whom a residence permit is applied for must have a registered residence and an actual dwelling in Estonia and he or she shall bear all the costs related to the care and medical treatment of the alien specified in clauses (1) 2)-4).

(4) An alien specified in clauses (1) 2)-4) shall have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(5) The issue of a residence permit to settle with a close relative who resides in Estonia shall be refused if the close relative who resides in Estonia or the alien who applies for the residence

permit does not meet the conditions provided by law or if any other condition for the issue of a residence permit is not complied with.

(6) A residence permit issued to settle with a close relative residing in Estonia shall be revoked or the extension thereof shall be refused if:

1) the basis or grounds for the issue of the residence permit have ceased to exist;

2) the close relative for the purposes of settling with whom the residence permit was issued or the alien does not reside in Estonia permanently;

3) the close relative for the purposes of settling with whom the residence permit was issued fails to ensure that the alien specified in clauses (1) 2)-4) is maintained in Estonia or if the condition specified in subsection (3) or (4) is not complied with.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(7) The residence permit of a minor child shall not be revoked and extension thereof shall not be refused if this does not correspond to the rights and interests of the child.

(8) An alien who has been issued a residence permit to settle with a close relative may be issued a permanent residence permit under the conditions specified in subsection 12 (3) provided that the alien has resided in Estonia on the basis of a permanent residence permit for at least five years, unless otherwise provided by law.

(9) A temporary residence permit issued to settle with a close relative shall be revoked concurrently with the revocation of the residence permit of the close relative for the purposes of settling with whom the residence permit was issued.

(10) The provisions of subsection (6) do not apply to an alien specified in clause (1) 1) after he or she has become an adult.

(12.06.2002 entered into force 01.10.2002 - RT I 2002, 56, 351)

#### **§ 12<sup>4</sup>. Issue of residence permits to aliens whose legal income ensures their subsistence**

(1) A temporary residence permit may be issued for up to two years to an alien whose legal income ensures his or her subsistence if the issue of the residence permit is justified and does not damage the interests of the Estonian state. A work permit shall not be issued to such alien for employment in Estonia.

(2) The residence permit of an alien specified in subsection (1) of this section may be extended by two years if upon the extension of the residence permit the legal income of the alien ensures his or her subsistence and the issue of the residence permit is justified and does not damage the interests of the Estonian state.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

#### **§ 13. Legal bases for taking employment in Estonia**

(1) An alien is required to have a residence permit for employment or a work permit for activity in Estonia on the basis of an employment contract or other contract, and for other activities for the benefit of other persons where obtaining gain or any other proprietary benefit can be presumed, regardless of the type or form of the contract on which such activity is based, and the location of the seat or residence of the other party (hereinafter employment), unless otherwise provided by law or an international contract.

(2) An alien who has no legal basis to stay in Estonia is prohibited from taking employment in Estonia.

(3) An alien who does not have a residence permit for employment or a work permit or who has not registered his or her employment pursuant to the prescribed procedure is prohibited from taking employment in Estonia, except in the cases directly referred to in law or an international agreement.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>1</sup>. Work permit**

(1) A work permit is a permit by which an alien is granted the right to take employment in Estonia during the period determined by the permit.

(2) The Citizenship and Migration Board may issue a work permit to an alien who has a residence permit. The validity of a work permit issued to an alien shall not exceed the validity of his or her residence permit. The validity of a work permit may be extended until the end of the validity of the residence permit.

(3) The Citizenship and Migration Board shall refuse to issue a work permit if the alien lacks a permit for residence in Estonia or if other circumstances exist which are the bases for refusal to issue a work permit.

(4) Employment in Estonia without a work permit is permitted to an alien who:

1) has a permanent residence permit;

2) is imprisoned, during his or her stay in prison;

3) has a residence permit for employment, on the conditions determined by the permit;

4) is a member of a locomotive crew, belongs to the service personnel of a locomotive or train, or is a driver of a motor vehicle engaged in the carriage of passengers or goods involving the crossing of the national border, provided that the alien does not have a residence in Estonia, his or her employer does not have a location of activities of the undertaking and a legal basis exists for the alien's stay in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>2</sup>. Short-time employment in Estonia**

(1) An alien who has a legal basis to stay in Estonia, except for a residence permit, whose employment has been registered with the Citizenship and Migration Board pursuant to the procedure provided by a regulation of the Minister of Internal Affairs before employment commences, and whose time of employment does not exceed the period of six months per year may be permitted to take employment in Estonia without being issued a work permit in the following cases:

1) for employment as a teacher or lecturer in an educational institution which has an education licence for operation in Estonia, by invitation of the educational institution;

2) for artistic activities or scientific research, if the alien has appropriate professional training or experience for such activities;

3) for employment in the position of a member of the management body of a legal person registered in Estonia with the duty to perform directing or supervisory functions;

4) for making a direct investment, foundation of a branch of a foreign company in Estonia, or performance, by way of rotation, of the right of representation or directing functions in a company registered in Estonia and belonging to an international group of undertakings;

5) in the capacity of a sportsman, coach, referee or sports official in order to engage in professional activities, by invitation of a corresponding sports federation;

6) for employment as an expert, adviser, consultant or installer of equipment, provided that the alien has appropriate professional training for such activities;

7) for activities in the framework of an international program of co-operation involving agencies with state or local government participation;

8) for participation in seasonal work involving the processing of primary agricultural products;

9) for employment as *au pair* or domestic help;

10) for employment for vocational training purposes by way of field training;

11) for employment as service personnel of a diplomatic representation of a foreign state, by permission of the Ministry of Foreign Affairs.

(2) The Citizenship and Migration Board refuses to register an alien's employment in Estonia or revokes the registration of an alien's employment in Estonia if the alien does not fulfil the conditions provided in subsection (1) of this section.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>3</sup>. Issue of residence permits for employment**

(1) For taking employment on the basis of a residence permit, an alien is granted the right to stay in Estonia for the purpose of employment on the conditions determined by the residence permit.

(2) A residence permit for employment may be issued to an alien for employment with an employer registered in Estonia if the vacant position has not been filled, within the period of two months, by way of public competition and making use of the services of a state employment agency, by employing an Estonian citizen or an alien residing in Estonia on the basis of a residence permit who meets the requirements for qualifications and professional skills for such position as stated by the employer.

(3) At the request of an employer, the Labour Market Board may grant the employer permission for filling the position by employing an alien if the employer has failed, on the conditions and pursuant to the procedure provided in subsection (2) of this section, to find a suitable candidate and, considering the situation in the labour market, filling the position with an alien is justified.

(4) An employer who wishes to fill a position by employing an alien shall obtain permission therefor from the Labour Market Board and confirm his intention to employ the alien to the Citizenship and Migration Board, after which the Citizenship and Migration Board may, in co-ordination with the Labour Market Board, issue a residence permit for employment to the alien for the purpose of assuming the said position, provided that the alien has the requisite qualifications, training, state of health, work experience, necessary professional skills and knowledge to assume such position, that the issue of a residence permit to the alien is justified and that no other circumstances exist in respect of the alien which are the basis for refusal of issue of the residence permit to the alien.

(5) A residence permit for employment shall be issued for the period during which the employer guarantees employment in Estonia to an alien but not for longer than two years.

(6) The conditions on which an alien is permitted to take employment in Estonia shall be determined by the residence permit for employment which shall set out, as a minimum requirement, the name of the employer, the place of work and the position. A residence permit for employment is not valid for taking employment in Estonia unless the conditions on which the alien is permitted to take employment in Estonia are set out therein.

(7) In order to be issued a residence permit for employment, the salary or wage earned by an alien must be sufficient for his or her subsistence in Estonia and the alien must have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(8) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(9) A residence permit for employment may be extended if the alien continues to meet the conditions on which he or she was issued the residence permit, the alien has actual residence in Estonia and the alien's previous activities have been in compliance with the requisite conditions set for issue of the residence permit.

(10) Issue of a residence permit for employment is refused if the conditions provided in subsections (2)–(4) and (7) of this section have not been met, the employer has tax arrears or a punishment in force for allowing illegal employment, if the employer has failed to perform a notification obligation provided by law or other justified cause to doubt the employer's trustworthiness becomes known, or other circumstances exist in respect of the alien which are the basis for refusal of issue of the residence permit.

(11) Extension of a residence permit for employment is refused or a residence permit is revoked if circumstances exist which are the basis for refusal of issue or extension of the residence

permit, the alien has failed to perform an obligation arising from this Act or other legislation, or a condition for employment determined by the residence permit has changed.

(12) The Citizenship and Migration Board may issue, without application of subsections (2)–(4) of this section, a residence permit for employment to an alien

- 1) who is a minister of a religion, nun or monk, or with the approval of the Ministry of Internal Affairs, is invited by a religious association;
  - 2) who is a journalist accredited by the Ministry of Foreign Affairs;
  - 3) whose right to take employment in Estonia without a work permit arises from an international agreement;
  - 4) for the activities specified in clauses 13<sup>2</sup> (1) 1)–5), 7) and 11).
- (18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 13<sup>4</sup>. Issue of residence permits for enterprise**

(1) A residence permit for enterprise may be issued to an alien who has a holding in a company or who operates as a sole proprietor, provided that the company or the sole proprietorship is entered in the commercial register of Estonia, and that based on the interests of the state, the intended enterprise is necessary for the development of Estonian economy, and the alien's settling in Estonia is of essential importance to the enterprise.

(2) A residence permit for enterprise may be issued to an alien who has sufficient monetary resources for engaging in enterprise in Estonia, including capital in the amount of at least 1 000 000 kroons controlled by the alien invested in business activities in Estonia, and a business plan which describes the nature and extent of the intended business activities, and sets out the number, requisite qualifications and skills of the staff needed for such activities. The amount of capital which an alien must invest in Estonia in order to be granted permission to operate as a sole proprietor is at least 250 000 kroons.

(3) The Citizenship and Migration Board may issue a residence permit for enterprise to an alien if the conditions specified in subsections (1) and (2) of this section have been met, the alien's permanent legal income ensures his or her subsistence in Estonia and the alien has an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury during the period of validity of the residence permit applied for will be met.

(4) An alien is required to register his or her residence in Estonia in the population register within one month after entry in Estonia or commencement of stay in Estonia on the basis of a residence permit.

(5) An alien who has been issued a residence permit for enterprise shall not be employed by another person in Estonia. An alien who has been issued a residence permit for enterprise for the purpose of participation in a company may be employed by the company indicated in the residence permit for performance of directing functions.

(6) A residence permit for enterprise shall set out the areas of activity permitted to the alien and where necessary, also the licensed territory.

(7) An alien who has been issued a residence permit for enterprise is required to inform the Citizenship and Migration Board of any change to the circumstances specified in subsection (1) and (2) of this section on the basis of which the residence permit was issued, of difficulties in the performance of assumed duties or impossibility to perform assumed duties.

(8) A residence permit for enterprise may be extended if the alien continues to meet the conditions on which he or she was issued the residence permit, the alien has actual residence in Estonia and the alien's previous activities have been in compliance with the requisite conditions set for issue of the residence permit.

(9) Issue or extension of a residence permit for enterprise is refused or a residence permit is revoked if the conditions for issue or extension of a residence permit are not met or the alien, the business plan submitted by him or her, the alien's business associates or the financial resources stated by him or her are not trustworthy.

(10) Extension of a residence permit for enterprise is refused or a residence permit is revoked if the alien's previous business activities are not in compliance with the business plan or the conditions provided for in subsection (2) of this section, or the alien has failed to perform an obligation arising from this Act or other legislation.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

#### **§ 14. Expiry and revocation of residence permits and work permits**

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1) A residence permit or work permit expires:

1) on the date of expiry;

2) upon the grant of Estonian citizenship to an alien or upon his or her resumption of Estonian citizenship;

3) upon the death or declaration of death of an alien.

(2) A residence permit or work permit shall be revoked:

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

1) in the cases listed in subsection 12 (4) and clauses 12 (9) 1) and 2) of this Act;

2) on the personal request of an alien;

3) if an alien stays outside Estonia for more than a total of 183 days in a year in the case he or she does not register his or her absence under the conditions and pursuant to the procedure established by the Government of the Republic of Estonia.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

#### **§ 14<sup>1</sup>. Administration of issue of residence permits and work permits**

(1) The Government of the Republic shall establish by a regulation:

1) the procedure for applying for and the issue, extension and revocation of residence permits and work permits, and the competence of government agencies which ensure enforcement of the procedure and officials of the corresponding government agencies;

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

2) the amounts of legal income provided for in this Act;

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

3) the procedure for notification specified in subsections 15 (1) and (2) of this Act.

(2) The following shall be established by a regulation of the Minister of Internal Affairs:

1) the format of applications for residence permits and work permits and of applications for extension thereof;

2) the format for the entry of information concerning a residence permit or work permit in the travel document of an alien and for cancellation of the entry;

3) the procedure for transfer of a residence permit or work permit into a new travel document.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

#### **§ 14<sup>2</sup>. Competence to issue, extend and revoke residence permits and work permits**

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(1) A government agency designated by the Government of the Republic shall decide the issue or refusal to issue, extension or refusal to extend or revocation of temporary and permanent residence permits and work permits.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) As an exception, the Government of the Republic shall decide the issue, refusal to issue or refusal to extend a residence permit if the applicant is in the list set out in clause 3 of article 2 of the "Agreement between the Republic of Estonia and the Russian Federation on Social Guarantees for Pensioners of the Armed Forces of the Russian Federation in the Territory of the Republic of Estonia" (RT II 1995, 46, 203), specified and accepted by Estonia.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 68)

## **Chapter V Notification**

**(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

### **§ 15. Notification**

(1) An alien is required to notify the Citizenship and Migration Board of the following circumstances:

- 1) change of marital or family status if such change has been registered in a foreign state;
- 2) punishment under criminal procedure if the punishment was imposed on the alien by a law enforcement authority of a foreign state;
- 3) any change in the conditions of employment determined by the residence permit for employment and termination of the contract if the alien has been issued a residence permit for employment.

(2) The employer is required to notify the Citizenship and Migration Board of any change in the conditions of employment determined by the residence permit for employment and termination of the contract if the alien has been issued a residence permit for employment.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 15<sup>1</sup>. Verification**

(1) An alien is required to prove the facts which are the basis for the issue or extension of a visa, residence permit or work permit.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(2) An alien, his or her family members and other persons involved are required to provide written and oral explanations concerning the facts specified in subsection (1) of this section at the request of an official of the Citizenship and Migration Board or a consular agent.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(3) Officials of the Citizenship and Migration Board and the Labour Market Board, and police officers have the right to question an alien, his or her family members, the person who invited the alien to Estonia and other involved persons, and enter a person's dwelling with the permission of the person for verification of the facts which are the basis for application for, holding of, application for extension or revocation of the legal basis to the stay or taking employment in Estonia by the alien."

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(4) For verification of the legality of an alien's stay or employment in Estonia, the alien is required to present identification and the document which proves the legality of his or her stay or employment in Estonia at the demand of a police officer, customs official or an official of the Citizenship and Migration Board.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(5) An alien, his or her employer and other involved persons are required, at the demand of a police officer or an official of the Citizenship and Migration Board, to certify the circumstances of the alien's employment in Estonia and prove the facts which are the basis for application for, extension or holding of the legal basis to take employment in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

(6) The employer is required to provide officials of the Citizenship and Migration Board and police officers with immediate access to the workrooms, employees, data and documents pertaining to aliens employed by the employer. Upon assessment of the trustworthiness of an employer in the event of review of an application for a residence permit for employment with



such employer, the results of previous checks carried out at the premises of the employer shall be taken into consideration.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

#### **§ 16. Expulsion of aliens and maintenance of records concerning aliens**

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(1) (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

(2) An alien may be required to leave the territory of the Republic of Estonia and his or her entry into Estonia may be prohibited pursuant to the procedure provided for in the Obligation to Leave and Prohibition on Entry Act.

(21.10.98 entered into force 01.04.99 - RT I 1998, 98/99, 1575)

(3) Records concerning an alien staying in Estonia illegally shall be maintained until he or she leaves Estonia or obtains a residence permit in Estonia. The procedure for maintaining records and the standard format for records shall be established by a regulation of the Minister of Internal Affairs.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

#### **§ 16<sup>1</sup>. Bearing of costs related to stay of aliens in Estonia or leave from Estonia**

(1) An alien or a person at whose invitation an alien arrives in Estonia (hereinafter sponsor) is required to bear the costs of the stay of the alien in Estonia and his or her departure from Estonia, including transportation costs borne in connection with the expulsion of the alien from Estonia. Upon failure to perform such obligation, an alien or a sponsor is required to compensate the state for such expenses.

(2) A person who transports or whose representative (hereinafter transporter) transports an alien who, upon arrival at the Estonian border, lacks a legal basis to stay in Estonia or a document necessary for crossing the border, is required to transport the alien, upon such alien being returned from the Estonian border, back to the same place where the alien boarded the means of transport of the transporter or back to the country of habitual residence of the alien. If this is impossible, the transporter is required to compensate the state for costs related to the stay of the alien in Estonia and his or her departure from Estonia.

(3) If the costs specified in subsections (1) and (2) of this section are not compensated for the state, the costs shall be claimed, by a court proceeding, by the government agency who bore the costs.

(4) Upon granting permission to invite an alien to Estonia, granting a legal basis for an alien to stay in Estonia and permitting him or her to enter Estonia, a government agency authorised by the Government of the Republic may require the alien, sponsor or transporter to guarantee performance of the obligations specified in subsections (1) or (2) of this section to the extent and pursuant to the procedure established by the Government of the Republic. In the absence of a proper guarantee, the issue of permission to invite an alien to Estonia, the grant of a legal basis for an alien to stay in Estonia and permission for him or her to enter Estonia shall be refused.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254)

(5) The procedure for and extent of compensation for the costs specified in subsections (1) and (2) of this section shall be established by the Government of the Republic. Funds for bearing the costs specified in subsections (1) and (2) of this section by the state shall be prescribed in the budgets of the government agencies authorised by the Government of the Republic.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

## **Chapter V<sup>1</sup>**

**(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

### **Liability**

**(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

#### **§ 16<sup>2</sup>. Provision of housing for alien staying in Estonia without legal basis**

(1) Provision of housing in Estonia for an alien staying in Estonia without a legal basis or entry into a residential lease contract with such an alien is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>3</sup>. Employment of alien with no legal basis to take employment in Estonia**

(1) Employing an alien who does not have a legal basis to take employment in Estonia is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>4</sup>. Employment of alien in Estonia without legal basis**

Taking of employment in Estonia by an alien who does not have a legal basis to take employment in Estonia is punishable by a fine of up to 300 fine units or by detention.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>5</sup>. (Repealed - 18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)**

#### **§ 16<sup>6</sup>. Stay of alien in Estonia without legal basis**

Stay of an alien in Estonia without a legal basis is punishable by a fine of up to 300 fine units or by detention.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>7</sup>. Delivery of alien to transit zone, state border or temporary border line**

Direct delivery, by a legal person engaged in transport operations, of an alien who has no legal basis to stay in Estonia or the transit zone to the transit zone, state border or temporary border line is punishable by a fine of up to 50 000 kroons.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

#### **§ 16<sup>8</sup>. Proceedings**

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 16<sup>2</sup>–16<sup>4</sup>, 16<sup>6</sup> and 16<sup>7</sup> of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 16<sup>2</sup>–16<sup>4</sup>, 16<sup>6</sup> and 16<sup>7</sup> of this Act shall be conducted by:

1) a police prefecture;

2) the Citizenship and Migration Board.

(3) The Border Guard Administration shall carry out extra-judicial hearings of the misdemeanours provided for in §§ 16<sup>6</sup> and 16<sup>7</sup>.

(18.12.2002 entered into force 01.03.2003 - RT I 2003, 4, 20)

## **Chapter VI**

### **Final Provisions**

### **§ 17. Personal identification code**

An alien who has been issued a residence permit shall be issued a personal identification code pursuant to the procedure provided for in the Population Register Act (RT I 2000, 50, 317; 2001, 31, 173; 2002, 41, 254; 53, 336; 57, 355; 61, 375; 102, 599; 2003, 4, 22).

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 17<sup>1</sup>. Health insurance of alien**

During the time that an alien is deemed to be a person insured by compulsory health insurance pursuant to the Health Insurance Act (RT I 2002, 62, 377), and in cases provided by international agreements, an alien need not have an insurance contract guaranteeing that any costs related to his or her medical treatment as a result of illness or injury will be met.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 17<sup>2</sup>. Certificate in proof of vaccinations**

In order to prevent the spread of infectious diseases, an alien who applies for a legal basis to enter or stay in Estonia, shall present, in the cases provided by the Government of the Republic, a certificate concerning his or her vaccination in compliance with the requirements set by the plan for immunising Estonia, or the documented results of a serological analysis certifying that the alien is immune to the infections against which vaccinations are required in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 17<sup>3</sup>. Prohibition on restoration of term**

The term for extension of a temporary residence permit, extension of a work permit and the term prescribed for application of a permanent residence permit shall not be restored if the term of validity of the residence permit or work permit has expired.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 18. Employees of foreign representations**

The stay and employment of employees of foreign diplomatic representations and consular posts and of their family members in Estonia is regulated by international agreements and other instruments of international law.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

### **§ 18<sup>1</sup>. Aliens in prison**

An alien who is a prisoner in an Estonian prison need not have the legal basis to stay in Estonia provided for in subsection 9 (1) of this Act.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 19. Register of residence permits and work permits**

A state register of residence permits and work permits shall be maintained concerning applications for residence permits and work permits and for the extension thereof, invitations to settle in Estonia, applications for the revocation of residence permits and work permits, applications for the transfer of information concerning residence permits and work permits into new travel documents, applications for the registration of absence from Estonia, and decisions made in respect thereof, as well as decisions to revoke residence permits and work permits.

(17.05.2000 entered into force 01.08.2000 - RT I 2000, 40, 254; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 20. Legal guarantees for aliens who applied for residence permit before 12 July 1995**

(1) An alien who applied for a residence permit before 12 July 1995 and to whom a residence permit has been issued and who is not among the aliens specified in subsection 12 (4) of the

Aliens Act retains the rights and duties provided for in earlier legislation of the Republic of Estonia.

(2) An alien specified in subsection (1) of this section does not require a work permit in order to work in Estonia during the period of validity of his or her temporary residence permit and he or she has the right to apply for a permanent residence permit as of 12 July 1998 under the conditions and pursuant to the procedure established by the Government of the Republic. An application for a permanent residence permit shall be submitted at least one month before the expiry of a temporary residence permit issued to an alien.

(23.09.97 entered into force 26.10.97 - RT I 1997, 73, 1202; 17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395; 16.06.99 entered into force 23.06.99 - RT I 1999, 54, 582)

### **§ 21. Non-application of immigration quota**

A residence permit may be issued outside of the immigration quota to an alien to whom the issue of a residence permit is justified and does not damage the interests of the Estonian state and who settled in Estonia before 1 July 1990 and has thereafter not left to reside in another country.

(17.02.99 entered into force 01.10.99 - RT I 1999, 27, 395)

### **§ 22. Duties of local governments in issue of residence permits**

Local governments are required to monitor that the residence permits of aliens staying in the territories of the local governments are issued pursuant to this Act and pursuant to the procedure and for the term established by the Government of the Republic. Otherwise, local governments are required to inform the Citizenship and Migration Board thereof.

(18.05.94 entered into force 10.06.94 - RT I 1994, 41, 658; 27.06.95 entered into force 21.07.95 - RT I 1995, 57, 981; 18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

### **§ 23. Duties of employers**

(1) An employer is required to verify that aliens who are employed by the employer have legal basis to take employment in Estonia.

(2) An employer is prohibited to enter into an employment contract with an alien who lacks a legal basis to stay in Estonia.

(3) An employer is required to terminate a contract with an alien who lacks a legal basis to stay in Estonia.

(18.12.2002 entered into force 01.05.2003 - RT I 2003, 4, 20)

**§ 23<sup>1</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

**§ 23<sup>2</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

**§ 23<sup>3</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

**§ 23<sup>4</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

**§ 23<sup>5</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

**§ 23<sup>6</sup>. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)**

### **§ 24. Amendments to earlier Acts**

As of the entry into force of this Act:

1) the words "Immigration Act" in the title of § 171 and in subsection 171 (4) of the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 58, 608; 60, 616; 87, 792; 92, 825; 95, 843; 2000, 25, 141; 28, 167; 29, 169; 40, 247; 49, 301; 49, 305; 54, 351; 55, 361; 10, 58; 54, 346; 84, 533; 58, 376; 86, 544; 86, 548; 95, 609; 51, 321; 54, 348; 54, 351; 95, 613) shall be substituted by the words "Aliens Act" and the words "work permit" [*töötamisluba*] in subsections 171 (1), (2) and (3) of the Code of Administrative Offences shall be substituted by the words "work permit" [*tööluba*] in appropriate case forms;

2) the words “the Republic of Estonia Immigration Act” (RT 1990, 2, 25) in subsection 15 (4) of the Churches and Congregations Act (RT I 1993, 30, 510; 44, 637; 1994, 28, 425) are substituted by the words “Aliens Act”;

3) the Republic of Estonia Immigration Act of 26 June 1990 (RT 1990, 2, 25) is repealed.

**§ 25. Entry into force of Act**

This Act enters into force as of the date of publication in the *Riigi Teataja*.

<sup>1</sup> RT = Riigi Teataja = State Gazette